



"I will stand for my client's rights.
I am a trial lawyer."
—Ron Motley (1944–2013)

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January 10, 2025

VIA CM/ECF

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks on Sept. 11, 2001*, No. 03 MDL 1570 (GBD)(SN)
This document relates to:
***Burnett, et al. v. Islamic Republic of Iran*, No. 15-cv-9903 (GBD)(SN)**
Response to Court's Order of January 2, 2025 (ECF No. 10654)

Dear Judge Netburn:

Pursuant to the Court's Order dated January 2, 2025 (ECF No. 10654), the *Burnett* Plaintiffs submit this letter regarding their submission to the Court on April 30, 2024 seeking pain-and-suffering/survival damages for non-U.S.-national victims of the crash of American Airlines Flight 77 into the Pentagon in Arlington, Virginia pursuant to Virginia law. *See* ECF No. 9733 (and supporting documents). The *Burnett* Plaintiffs request that the Court permit them to withdraw without prejudice their motion for default judgment against the Iran Defendants on behalf of the Estates of Shuyin Yang and Yuguang Zheng that were included on Exhibit B to the Declaration of John M. Eubanks filed in support of Plaintiffs' motion. *See* ECF No. 9735-2. Upon further review of both their memorandum of law and Virginia's wrongful-death law, Plaintiffs agree with the Court that pain-and-suffering (or survival) damages are not available under Virginia's wrongful-death law where the cause of the injury is also the cause of the subsequent death. To avoid prejudice to the Personal Representative of these two estates, Plaintiffs request leave to submit a motion for default judgment as to these claims at a later date in accordance with the damages permissible under Virginia's wrongful-death statute.

The *Burnett* Plaintiffs regret the error in recitation of the law in their initial filing and thank the Court for bringing this error to their attention.



The Honorable Sarah Netburn
January 10, 2025
Page 2

Should the Court have additional questions or concerns regarding these claims, the *Burnett* Plaintiffs will of course respond to those questions or concerns.

Respectfully submitted,

/S/ John M. Eubanks
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